

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

Steven B. Pollack and Blue Eco Legal Council,)	
)	
)	
Plaintiffs,)	Case Number: 08-cv-320
)	Assigned Judge: Guzman
v.)	Magistrate Judge: Brown
)	
United States Department of Justice,)	
United States Coast Guard,)	CWA, RCRA, CERCLA, AND
United States Navy,)	PUBLIC NUISANCE FTCA CASE
United States Marines, and)	
United States Department of Defense,)	
)	
Defendants.)	

PLAINTIFFS MOTION FOR LEAVE TO FILE SECOND AMENDED COMPLAINT

Plaintiffs Steven B. Pollack and Blue Eco Legal Council ask this Court for leave to file their Second Amended Complaint pursuant to Fed. R. Civ. P. 15(a)(2) based on newly discovered facts and as required in the interest of justice.

On Wednesday, March 26, 2008 Plaintiffs and their expert visited Foss Park next to the FBI Range to assess their needs for the property inspection ordered by this Court earlier in the day. While walking along this public property they found and documented 31 lead bullets laying in plain view, including one found beneath a playground swing set. According to Plaintiffs' expert James Barton, the likely source of these bullets are ricochets off the adjacent berm on Defendants' firing range. see attached Affidavit by James Barton. (In deference to this Court's admonition to maintain control of video from upcoming tracer testing, Plaintiffs will present photographic and physical evidence directly to this Court).

Plaintiffs now seek to amend their complaint to reflect these offsite discharges onto public land in addition to the already pled offsite discharges to public waters so that this Court may take appropriate action to address a different set of public health issues. Plaintiffs therefore seek to add new facts, a new count, and a new prayer for relief regarding the offsite discharge of lead munitions from the FBI Range onto adjacent land.

Respectfully submitted,

s/ Steven B. Pollack
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CERTIFICATE OF SERVICE

I hereby certify that on the date below the foregoing PLAINTIFFS MOTION FOR LEAVE TO FILE SECOND AMENDED COMPLAINT and Affidavit by James Barton were filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

Dated: March 28, 2008

Respectfully submitted,

/s/ Steven B. Pollack
Steven B. Pollack
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